

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 10, 2008

**D053788      In re Rembao on Habeas Corpus**

The petition is denied.

**D053850      In re Baskerville on Habeas Corpus**

The petition is denied.

**D052772      Rejai v. Riazati**

Appellant has failed to file a brief after notice given. The appeal is dismissed.

Court convened at 9:00 a.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke  
Clerk: D. Moore

**D051350      Allegretti & Company v. Heuberger et al.**

Cause called on merits. Jeffrey Lee Marcus, Esq. argued for appellant. Antonio Rossmann, Esq. argued for respondent. Mr. Marcus replied. Cause submitted.

Court recessed at 9:19 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron  
Clerk: D. Moore

**D052444      People v. Cameron**

Cause called on merits. Anthony Colombo, Jr., Esq. argued for appellant. Nicole Cook, Certified Law Student, argued for respondent. Mr. Colombo replied. Cause submitted.

**D050715      People v. Fabros**

**D052661      In re Fabros on Habeas Corpus**

Causes called on merits. Doris S. Frizzell, Esq. argued for appellant. Kristen Chenelia, Deputy Attorney General argued for respondent. Ms. Frizzell replied. Cause submitted as to appeal only, D050715.

Court recessed at 9:55 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Alex McDonald and Cynthia Aaron

**D052617      Brewer v. Premier Golf Properties, LP**

Cause called on merits. Patrick F. O'Connor, Esq. argued for appellant, Premier Golf. Mark T. Brisebois, Esq. argued for respondent. Mr. O'Connor replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 10, 2008 (Continued)

**D050686      Brewer v. Premier Golf Properties, LP**

Cause called on merits. Patrick F. O'Connor, Esq. argued for appellant, Premier Golf. David B. Sharp, Esq. argued for appellant, Ms. Brewer. Mr. O'Connor replied. Cause submitted.

**D051841      Brewer v. Premier Golf Properties, LP**

Cause called on merits. Patrick F. O'Connor, Esq. argued for appellant. David B. Sharp, Esq. argued for respondent. Mr. O'Connor replied. Cause submitted.

Court recessed at 10:51 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron

Clerk: D. Moore

**D051369      Herrera et al. v. F. H. Paschen**

Cause called on merits. Karin Lynn Backstrom, Esq. argued for appellant. Jennifer Denkins, Esq. argued for respondent. Ms. Backstrom replied. Cause submitted.

**D051603      Mendoza, et al. v. Rusega**

Cause called on merits. Jose Carlos Rojo, argued for appellant, Rusega. Barbara K. Strickland, Esq. argued for appellant, Mendoza. Mr. Rojo replied. Cause submitted.

**D052684      Najor v. Blake**

Cause called on merits. David Blake, argued for appellant in pro per. Joseph D. Curd, Esq. argued for respondent. Cause submitted.

Court recessed at 2:45 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion

**D051691      Colton v. Vance**

Cause called on merits. Roland C. Colton, Esq. argued for respondent. Sandra Mayberry, Esq. argued for appellant. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 10, 2008 (Continued)

Court recessed at 3:05 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Terry O'Rourke

**D050793      Haddada v. Coldwell Banker Residential Brokerage Company**

Cause called on merits. David A. Niddrie, Esq. argued for appellant. John Shu, Esq. argued for respondent.

Mr. Niddrie replied. Cause submitted. Court granted simultaneous briefing due to be filed on or before

November 24, 2008.

Court recessed at 4:02 p.m. until Wednesday, November 12, 2008 at 9:00 a.m.

**D054026      People v. Barnes**

The notice of appeal is premature because no appealable order or judgment has yet been entered. On October 31, 2008, the court suspended the execution of sentence under Welfare and Institutions Code section 3051. The appeal is dismissed without prejudice to refiling a notice of appeal after an appealable order or judgment has been entered.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 12, 2008

**D053079      People v. Brammer**

The judgment is affirmed. McDonald, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

**D053919      In re Johnson on Habeas Corpus**

The petition is denied.

**D051511      Shahrokh Doctor Safaie v. Jacuzzi Whirlpool Bath Inc., et al.**

The order is affirmed. Costs to Jacuzzi on appeal. Haller, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

**D052425      People v. Ames**

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Aaron, J.

**D051095      People v. Potts et al.**

The judgments are modified to strike that portion of the sentences on the ten-year gang enhancements and to impose 15-year minimum parole eligibility terms under section 186.22, subdivision (b)(5). As so modified, the judgments are affirmed. The trial court is directed to prepare a corrected abstract of judgment reflecting the striking of the gang enhancement and imposition of the 15-year minimum parole eligibility term and to forward the corrected abstract of judgment to the Department of Corrections and Rehabilitation.

**D052718      In re E. R., a Juvenile**

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Irion, J.

**D053888      Darnell & Scrivner Architecture, Inc. v. Superior Court of San Diego  
County/Meadows Del Mar Homeowners Association**

The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice and The Honorable Associate Justice Gilbert Nares and Joan Irion

Clerk: D. Moore

**D051814      Erickson et al. v. Fry's Electronics Inc., et al.**

Cause called on merits. Scott A. McMillan, Esq. argued for appellant. William H. Curtis, Esq. argued for respondent. Mr. McMillan replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 12, 2008 (Continued)

Court recessed at 9:25 am. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and James McIntyre

**D052212      People v. Morgan**

Cause called on merits. Victoria Matthews, Esq. argued for appellant. Alana Butler, Deputy Attorney General argued for respondent. Ms. Matthews replied. Cause submitted.

**D051727      People v. Melvin**

Cause called on merits. Howard C. Cohen, Esq. argued for appellant. Christopher Beesley, Deputy Attorney General argued for respondent. Mr. Cohen replied. Cause submitted.

Court recessed at 10:00 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Judith Haller and James McIntyre

**D051442      People v. Rose**

Cause called on merits. Russell S. Babcock, Esq. argued for appellant. Collette Cavalier, Deputy Attorney General argued for respondent. Mr. Babcock replied. Cause submitted.

**D051865      Thompson v. Namale West Inc., et al.**

Cause called on merits. Peter Sam Selvin, Esq. argued for appellant. Susan Elaine Hargrove, Esq. argued for respondent. Mr. Selvin replied. The court may wish to defer submission in this case.

**D050881      Surrey v. True Beginnings, LLC. et al.**

Cause called on merits. Alfred Gerard Rava, Esq. argued for appellant. Daniel L. Rasmussen, Esq. argued for respondent. Mr. Rava replied. Cause submitted.

Court recessed at 10:50 a.m. until 1:30 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 12, 2008 (Continued)

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron  
Clerk: D. Moore

**D052106      New Hampshire Indemnity Co. v. Professional Claims Services, Inc.**  
**D051230      New Hampshire Indemnity Company v. Professional Claims Services, Inc.**

(appeals were argued together)

Cause called on merits. Mark G. Bonino, Esq. argued for appellant. Pamela E. Dunn, Esq. argued for respondent.

Mr. Bonino replied. Cause submitted.

**D052134      Qassimyar v. Saenz et al.**

Cause called on merits. Fatema Qassimyar, argued for appellant in pro per. Daniel S. Belsky, Esq. argued for respondent. Ms. Qassimyar replied. Cause submitted.

Court recessed at 2:00 p.m. to change panel members. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron

**D052044      Olson v. State of California Department of Motor Vehicles**

Patricia Morgan Ford, Esq. was present in oral argument and submitted on the briefs. Christine Mersten, Esq. was present in oral argument and submitted on the briefs. Case submitted.

**D051063      VanDoorn v. VanDoorn**

Cause called on merits. Brian Geoffrey Saylin, Esq. argued for appellant. Mary K. Dahlberg, Deputy Attorney General argued for respondent. Mr. Saylin replied. Cause submitted.

**D049830      Speer v. Lightner**

Cause called on merits. Jennifer Hegemier, Esq. argued for appellant. Kris P. Thompson, Esq. argued for respondent. Cause submitted.

Court recessed at 2:39 p.m. until Thursday, November 13, 2008 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 12, 2008 (Continued)

**D054014      Hotto et al. v. Superior Court of San Diego County/  
Law Offices of Jeffrey S. Schwartz**

The petition for writ of mandate has been read and considered by Presiding Justice McConnell and Associate Justices Benke and O'Rourke. The petition is denied.

**D054011      D.R. v. The Superior Court of San Diego County/People**

Let a writ of mandate issue directing the superior court to vacate its October 29, 2008, order denying the challenge under Code of Civil Procedure section 170.6 to Judge Parsky, and enter a new order granting the challenge. This opinion is final immediately as to this court. (Cal. Rules of Court, rule 8.264(b)(3).) McConnell, P.J.; We Concur: Benke, J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 13, 2008

**D053319      People v. Ohlsson**

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Aaron, J.

**D052732      In re B.T. et al., Juveniles**

The orders are affirmed. McConnell, P.J.; We Concur: Benke, J., Aaron, J.

**D052692      In re Mario M., a Juvenile**

The 2007 restitution order is reversed. The case is remanded for notice and a new restitution hearing consistent with this opinion. In all other respects the judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Haller, J.

**D050561      People v. Williams**

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Nares, J.

**D051822      People v. Ojok**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., McIntyre, J.

**D053752      Young Chang America Inc., et al. v. The Superior Court of San Diego County/Genovese et al.**

The petition is denied.

**D051805      San Diego City Employees' Retirement System v. City of San Diego et al.**

Presiding Justice McConnell and Associate Justices Benke and O'Rourke have read and considered San Diego City Employees' Retirement System's (SDCERS) motion to dismiss the City of San Diego's (the City) appeal and the City's opposition thereto. The City purports to appeal the September 17, 2007, judgment of dismissal of the City's sixth amended cross-complaint, which is a nonappealable interlocutory judgment. The appeal is dismissed. SDCER's request for sanctions is denied.

**D053666      People v. Parlade**

Upon filing a request for a dismissal of the appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

**D053977      Alsayad v. Superior Court of San Diego County/People**

The petition is denied.

**D053918      In re Owen Jr. on Habeas Corpus**

The petition is denied.



COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

November 13, 2008 (Continued)

**D053676      Alsayad v. The Superior Court of San Diego County/The People**

The petition is denied.

**D054013      In re Torres on Habeas Corpus**

The petition for writ of habeas corpus *In re Torres* D054013, will be considered at the same time as the pending appeal, *People v. Torres* D052887.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion

Clerk: D. Moore

**D053013      In re Nancy N. et al., Juveniles**

Cause called on merits. Maryann Milcetic, Esq. argued for appellant, A.N. Kathleen Mallinger, Esq. argued for appellant, L.M. Erica Gardner, Deputy County Counsel argued for respondent. Andrea St. Julian, Esq. argued for the minor. Ms. Mallinger replied. Ms. Milcetic replied. Cause submitted.

**D050954      People v. Vasquez**

Cause called on merits. Robert E. Boyce, Esq. argued for appellant. Barry Carlton, Deputy Attorney General argued for respondent. Mr. Boyce replied. Cause submitted.

Court recessed at 10:03 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Alex McDonald

**D051972      People v. Sellers**

Cause called on merits. Alexander James Simpson, Esq. argued for appellant. Billie Gibson, Certified Law Student argued for respondent. Mr. Simpson replied. Cause submitted.

Court recessed at 10:31 a.m. to change panel members. New panel members: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

November 13, 2008 (Continued)

**D050580      People v. Butler**

Cause called on merits. Charles R. Khoury, Esq. argued for appellant. David Rich, Certified Law Student argued for respondent. Mr. Khoury replied. Cause submitted.

Court recessed at 10:56 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Alex McDonald

**D050276      Brandes v. Brandes**

Cause called on merits. Marjorie J. Fuller, Esq. argued for appellant. Edward I. Silverman, Esq. argued for respondent. Ms. Fuller replied. Cause submitted.

**D052011      In re Orozco on Habeas Corpus**

Matter called on merits. Richard Pfeiffer, Esq. argued for petitioner. Lora Fox Martin, Esq. argued for respondent. Mr. Pfeiffer replied. Matter submitted.

Court recessed at 11:39 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron

**D052320      People v. U S Financial Management Inc., et al.**

Cause called on merits. Michael Lawrence Mallow, Esq. argued for appellant. Alexander Matthew Calero, Esq. argued for respondent. Mr. Mallow replied. Cause submitted.

Court recessed at 12:06 p.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion

Clerk: D. Moore

**D049996      People v. Valentino**

Cause called on merits. Susan K. Keiser, Esq. argued for appellant. Lynne McGinnis, Deputy Attorney General argued for respondent. Mr. Staley replied. Cause submitted.

Court recessed at 1:52 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Alex McDonald

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

November 13, 2008 (Continued)

**D051344) People v. Robles Jr., et al.**

**D051421) People v. Gudino**

Cause called on merits. Marianne Harguindeguy, Esq. argued for appellant, Robles. Robert E. Boyce, Esq. argued for appellant, Gudino. Christopher Beesley, Deputy Attorney General argued for respondent. Mr. Boyce replied. Cause submitted.

**D051782 Pena v. J & M Associates Inc., et al.**

Cause called on merits. Scott J. Ingold, Esq. argued for respondent, J & M Associates. Gordon E. Krischer, Esq. argued for respondent, National Steel and Shipbuilding Company. Marcus Jackson, Esq. argued for appellant. Cause submitted.

**D051010 Stauffer v. Stauffer**

Cause called on merits. Stephen Temko, Esq. argued for appellant. Sharron Voorhees, Esq. argued for respondent. Mr. Temko replied. Cause submitted.

**D050911 People v. Garcia**

**D052662 In re Garcia on Habeas Corpus**

Causes called on merits. Charles Khoury, Esq. argued for appellant. Christine Dowling, Certified Law Student argued for respondent. Mr. Khoury replied. Cause submitted as to appeal only, D050911.

Court recessed at 3:05 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice and The Honorable Associate Justices Judith Haller and Alex McDonald

**D053530 Party City Corporation v. Superior Court/Palmer-RPI**

Matter called on merits. Lynne Marie Hook, Esq. argued for petitioner. Elaine A. Ryan, Esq. argued for real party in interest. Ms. Hook replied. Matter submitted.

Court recessed at 3:45 p.m. until Friday, November 14, 2008 at 9:00 a.m.

**D053941 In re the Marriage of Gentzkow**

Because appellant did not timely pay the filing fee, the appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 14, 2008

**D049650      People v. Garcia**

The judgments are affirmed. The superior court is directed to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment for Geraldo Ojito specifying an enhancement under Penal Code section 12022, subdivision (a)(1), rather than Penal Code section 12202.53, subdivision (d). CERTIFIED FOR PUBLICATION. O'Rourke, J.; We Concur: Haller, Acting P.J., Irion, J.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke  
Clerk: D. Moore

**D052242      Mendoza v. Lane et al.**

Cause called on merits. Joe Mendoza, argued for appellant in pro per. Dan Deuprey, Esq. argued for Dunnum. George Gonzalez, Esq. was present in oral argument for respondent, Lane, but did not argue. Mr. Mendoza replied. Cause submitted.

Court recessed at 9:10 a.m. to change panel members. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron

**D050980      Smargon et al. v. Gleeson et al.**

Cause called on merits. Jeffery A. Miller, Esq. argued for appellant. Nancy L. Rady, Esq. argued for respondent, Gleeson. Charlese A. Bird, Esq. argued for respondent, Wallman. Mr. Miller replied. Cause submitted.

Court recessed at 9:48 a.m. to change panel members. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion

**D051235      Kunnen, Jr. v. Kunnen et al.**

Cause called on merits. Christopher Radlinski, Esq. argued for appellant. Dean A. Goetz, Esq. argued for respondent. Cause submitted.

Court recessed at 10:04 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justice Richard Huffman and Joan Irion

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 14, 2008 (Continued)

**D052181      State Building and Construction Trades Council of California v. City of Vista et al.**

Cause called on merits. Scott Alan Kronland, Esq. argued for appellant. Robert Fried, Esq. was present in oral argument, but did not argue. James Patrick Lough, Esq. argued for respondent. Mr. Kronland replied. Cause submitted.

Court recessed at 11:11 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Judith Haller  
Clerk: D. Moore

**D052424      Blazeovich v. Pearson et al.**

Cause called on merits. Paul Blazeovich, argued for appellant, in pro per. Keith L. Meeker, Esq. argued for respondent. Mr. Blazeovich replied. Cause submitted.

**D052057      Otay Land Company et al. v. Royal Indemnity Company et al.**

Cause called on merits. Michelle L. Burton, Esq. argued for appellant. Stephen M. Green, Esq. argued for respondent. Ms. Burton replied. Cause submitted.

Court recessed at 2:04 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Gilbert Nares

**D052575      In re Erica E. et al., Juveniles**

Cause called on merits. Robert Francis McLaughlin, Esq. argued for appellant. Katharine R. Bird, Deputy County Counsel argued for respondent. Neil Trop, Esq. argued for the minors. Mr. McLaughlin replied. Cause submitted.

**D051803      Aranda et al. v. Teacher's Retirement Board State of California**

Cause called on merits. George W. Shaeffer, Esq. argued for appellant. Jesse Alex Cardenas, Esq. argued for respondent. Mr. Shaeffer replied. Cause submitted.

Court recessed at 2:51 p.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Cynthia Aaron

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

November 14, 2008 (Continued)

**D052158      Arroyo v. City of San Diego**

Cause called on merits. Joel C. Golden, Esq. argued for appellant. Wendy Davison, Esq. Deputy City Attorney argued for respondent. Mr. Golden replied. Cause submitted.

Court recessed at 3:30 p.m. until Tuesday, November 18, 2008 at 10:00 a.m.

**D053595      Terrance W. v. The Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. McConnell, P.J.; We Concur: Huffman, J., Aaron, J.

**D052871      In re the Marriage of Krzywiec**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

**D052966      In re Floyd on Habeas Corpus**

The petition is denied.

**D051659      People v. Levy**

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., McDonald, J.

**D052824      In re David W. et al., Juveniles**

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D051691      In re the Marriage of Colton**

Affirmed. Irion, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D053895      L. W. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner L. W. has notified the court that a petition for writ of mandate under California Rules of Court, Rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D053904      Michael L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Michael L. has notified the court that a petition for writ of mandate under California Rules of Court, Rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 14, 2008 (Continued)

**D053895      Julee Z. v. Superior Court of San Diego County/San Diego County Health  
and Human Services  
Agency**

The attorney for petitioner Julee Z. has notified the court that a petition for writ of mandate under California Rules of Court, Rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D051068      People v. Shack**

The petition for rehearing is denied.

**D049908      Jeld-Wen, Inc. v. Acting Iron Works Inc., et al.**

The petition for rehearing is denied.

**D049585      People v. Becker**

The petition for rehearing is denied.

**D054056      Lobel v. The Superior Court of Orange County/Lobel**

The petition is denied.